

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3727 OF 1995

Ashok K. Patil Petitioner

versus

Pundlik D.Ahire & ors..... Respondent.

Mr. R.M.Harddas i/b Pramod N.Joshi for the petitioner.
Advocates for the respondents- absent.

CORAM; A.P. DESHPANDE, J.
DATED; 5TH JUNE, 2007

P.C.;

1. The petitioner questions the correctness of the judgment and order passed by the School Tribunal, Nashik dated 29-7-1995 passed in Appeal No. 10 of 1995, allowing the appeal preferred by the respondent no.1 objecting to the promotion of the present petitioner to the post of Head Master on the ground of supersession of claim of respondent no.1 to the promotional post.

2. Admittedly, the respondent no.1 was senior to the present petitioner as Assistant teacher. The post of Asstt. Head Master fell vacant and the management had to make the appointment by promotion to the post of Asstt. Head Master. As respondent no.1 was not ready and willing to accept the said post of Asstt. Head

Master in the year 1988 for personal reasons, the petitioner was promoted as Asstt. Head Master in November 1988 as the respondent no.1 relinquished his claim to the post of Asstt. Head Master.

3. One Mr. Pawar who was working as Head Master retired on 31-3-1995 and hence there occurred a vacancy in the post of Head Master with effect from 31-3-1995. The management, having regard to the present placement of the petitioner, being senior to respondent no.1 granted the petitioner, the promotional post of Head Master. The said promotion was challenged by the respondent no.1 by contending that his claim to the promotional post of Head Master, has been wrongly superseded by the petitioner.

4. The tribunal has accepted the submission of the respondent no.1, that though the respondent no.1 had relinquished his right to the post of Asstt. Head Master, that cannot permanently debar him from claiming the post of Head Master as according to the respondent no.1, his relinquishment is only to the post of Asstt. Head master. The tribunal after recording the finding that the respondent no.1's claim to the promotional post of Head Master was wrongly superseded, granted the relief to the respondent no.1. Though the controversy requires serious consideration

the same has lost its significance, in view of the fact that the respondent no.1 has retired from the post of

Head Master on 31-11-1995. Thereafter the present petitioner came to be appointed as Head Master with effect from 1-12-1995. The petitioner also after having served as Head Master from 1-12-1995 stood retired on attaining the age of superannuation. The disputed period of Head Master's tenure, is a very short period. Hence the impugned order is not required to be interfered with, as the present petitioner as also the respondent no.1 have retired from service. In the result, the writ petition is dismissed. Rule discharged.

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